



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,375	06/18/2001	Scott Bonneau	M-11857 US	1781
33438	7590	12/15/2006	EXAMINER	
HAMILTON & TERRILE, LLP			COLBERT, ELLA	
P.O. BOX 203518			ART UNIT	
AUSTIN, TX 78720			PAPER NUMBER	

3694

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,375

Applicant(s)

BONNEAU ET AL

Examiner

Ella Colbert

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 1006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,12,14,15,21,22,24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,12,14,15,21,22,24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/03/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 11, 12, 14, 15, 21, 22, 24, and 25 are pending. Claims 11, 14, 15, 21 and 24 have been amended in this communication filed 08/07/06 entered as Amendment and RCE.

2. The IDS filed 10/03/06 has been considered and entered.

3. The 35 USC 112 second paragraph from the Final Rejection mailed 02/06/06 has been overcome by Applicants' amendments and is hereby withdrawn.

However, there are still remaining 35 USC 112 second paragraph issues.

4. As a Preliminary matter Applicants' are respectfully requested to note the Examiner prosecuting this application has changed. All future correspondence and communications should be addressed to Primary Examiner Ella Colbert, Art Unit 3694.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/07/06 has been entered.

Drawings

6. The drawings are objected to under 37 CFR 1.83(a) because they fail to show Figure 2, "SQL Server 7"; "Browsers 14" and "Primary Single Database 24"; Figure 3, XML Import Input 33"; and Figure 4e "54" as described in the specification. Any

Art Unit: 3694

structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 2, "32" and "16"; Figure 3, "24"; Figure 4a, "57" and "58"; Figure 4c, "57"; Figure 4d, "722" and "728"; Figure 4e, "58", "586", and "588"; and Figure 7, "144", "149", and "150". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in

compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character in Figure 2, "24" has been used to designate both "XML Import" and "Import input"; reference character "12" has been used to designate both "Extranet Web Server" and "Web Server"; reference character "20" has been used to designate both "Procurement Networks" and "Procurement Network"; reference character "38" has been used to designate both "terminals" and "web browser"; and reference character "36" has been used to designate both "terminals" and "Computer PC";. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

9. The Specification is objected to because on page 2 (amended Specification) the attorney docket number needs to be deleted and replaced with “now pending” or “now U.S. Patent No. ...” or “abandoned”. Page 14, line 20 should recite “extranet server 12 ...”. Page 21, line 3 recites “values. Thus as illustrated by step 52 of Fig. 5a, upon ...”. This line should indicate that step 52 is in Fig. 4a and line 28 has a similar problem with step 54. Page 23, line 31 recites “then continues at decision step 574, where ...”. This line should recite “then continues at decision step 574 (Fig. 4c), where ...”. Page 24, lines 6 and 17 have a similar problem. Page 28, line 3 recites “Referring back to decision step 54 of Fig. 4e, ...”. Step 54 is found in Fig. 4a. Do Applicants’ mean Fig. 4a? When referring to steps and reference characters (numbers) in drawing figures it should be clear to the reader which drawing figure the reference character (number) is found. Correction is required. See MPEP § 608.01(b).

Claim Objections

10. Claims 11, 12, and 14 are objected to because of the following informalities: Claim 11 is in the improper method claim format. Claim 11 recites “for each custom browse hierarchy: establishing ...; ...; for each leaf node ...; and for each ancestor node ..., ..., wherein the ..., ...”. These claim limitations should recite “establishing for each custom browse hierarchy a set of rules ...; ...; including for each node in the primary hierarchy if the rule ...; including for each ancestor node in the primary hierarchy if at

least one leaf node ...; and representing the custom browse hierarchy by all of the included leaf nodes and all of the included ancestor nodes, if any, of the ... representing a pared ...". Claims 12 and 14 have a similar problem. Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 11, 12, 21, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: Claim 11 recites in lines 31 and 32 page 4 and page 5 lines 33-41 "for each leaf node ... hierarchy if the rule ... hierarchy if the rule ...; and for each ancestor ..., including ... if at least one leaf node ...;". A step is omitted between lines 36 and 37 and lines 41 and 42 on page 5. The omitted step is "for each leaf node in the primary hierarchy including the leaf not from the primary hierarchy ... if the rule is not associated with the leaf node is not included in the subset of rules and the leaf node is not excluded from the browse hierarchy if the rule is not associated with the leaf node in the subset of rules; ...; (insert after line 41) for each ancestor node in the primary hierarchy, including the ancestor node from the primary hierarchy if at least one leaf node of the ancestor node is not included in the custom browse hierarchy and otherwise including the ancestor node from the custom browse hierarchy;". Claims 12, 21, and 22 have a similar problem.

Claims 12, 14, 15, 22, 24, and 25 are also rejected because of their dependency on a rejected base claim.

13. Claim 11 recites the limitation "at least one of the items" in line 29, "unique subset of items" in line 30, and at page 5, line 12 "pared version". There is insufficient antecedent basis for this limitation in the claim.

Claim 21 has a similar problem.

Conclusion

14. Comments: Once these issues have been resolved and the claims, specification, and drawings have been amended an extensive search will be performed and if no new art is found to reject the claims and there are no remaining issues the application will be passed to issue.

Inquiries


15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3694

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 4, 2006


ELLA COLBERT
PRIMARY EXAMINER